NCA
VOC FOR IOP/FN
BACKGROUNDER NO. 1-0526 APRIL 7, 1976
MARTHA DELACAL/LISBON

PORTUGUESE CONSTITUTION

INTRO:

THERE ARE INDICATIONS THAT PORTUGAL MAY BE FACED WITH A DILEMMA OF HOW TO IMPLEMENT ITS CONSTITUTION DRAWN UP DURING THE TURBULENT MONTHS OF LEFT-WING POLITICAL PRESSURES. WITH DETAILS HERE'S MARTHA DELACAL IN LISBON:

TEXT:

THE SOCIALIST CONSTITUTION HAS BEEN SIGNED AND WILL BECOME THE LAW OF THE LAND APRIL TWENTY-FIFTH -- THE DAY THE PORTUGUESE ELECT A NEW LEGISLATURE. BUT, ACCORDING TO RECENT PUBLIC OPINION SURVEYS, THE MORE CONSERVATIVE POLITICAL PARTIES -- THE POPULAR DEMOCRATS, THE SOCIAL DEMOCRATS AND PROPONENTS OF THE FREE ENTERPRISE SYSTEM STAND A GOOD CHANCE OF GAINING CONTROL OF THE ASSEMBLY. AND UNDER THE CONSTITUTION, THEY WILL THEN BE FACED WITH THE PROBLEM OF PUTTING INTO EFFECT SUCH REQUIRED SOCIALIST MEASURES AS AGRARIAN REFORM, WORKER CONTROL OF FACTORIES, CONFISCATION OF URBAN LAND AND CENTRAL ECONOMIC PLANNING -- TO NAME JUST A FEW. TO COMPOUND THE DIFFICULTIES FACING NEW LEGISLATORS, THEY WILL HAVE NO OPTION TO CHANGE THE CONSTITUTION. ITS REVISION -- ACCORDING TO A PROVISO INCLUDED IN THE DOCUMENT -- WILL HAVE TO AWAIT THE YEAR NINETEEN EIGHTY. AND EVEN THEN ANY CHANGES WILL HAVE TO BE OF A LIMITED NATURE AND APPROVED BY TWO-THIRDS OF THE ASSEMBLY.

THE CONSTITUTION PROVIDES THAT THE ARMED FORCES REVOLUTIONARY COUNCIL WILL SERVE AS AN ADVISORY BODY TO THE PRESIDENT IN ASSURING THE IMPLEMENTATION OF THE SOCIALIST REFORMS. THE PRESIDENT, HOWEVER, WILL BE ELECTED INDEPENDENTLY IN JUNE AND

WILL APPOINT A CABINET REFLECTING THE POLITICAL STRUCTURE OF THE LEGISLATURE.

EVEN SO, THE REVOLUTIONARY COUNCIL WILL RETAIN VAST POWERS. IT WILL RULE ON THE CONSTITUTIONALITY OF LAWS PASSED BY THE PARLIAMENT, AND AS THE SOCIALIST CONSTITUTION PUTS IT, SAFEGUARD A PEACEFUL AND PLURALISTIC TRANSITION TO DEMOCRACY AND SOCIALISM. THIS IS SUPPOSED TO BE DONE WITH COMPLETE DISREGARD OF POLITICAL CONSIDERATIONS.

IN THE FIELD OF INTERNATIONAL RELATIONS, THE CONSTITUTION CALLS FOR CONTROLLED DISARMAMENT AND THE DISSOLUTION OF MILITARY BLOCS.

DOMESTICALLY, THE DOCUMENT STANDS FOR EQUAL RIGHTS FOR WOMEN, FREEDOM OF THE PRESS AND RELIGION, THE RIGHT TO STATE-APPROVED PRIVATE PROPERTY AND OTHER FREEDOMS -- INCLUDING LIMITED PRIVATE ENTERPRISE. LARGE COUNTRY ESTATES, HOWEVER, WILL BE ELIMINATED AND THE STATE WILL ENCOURAGE THE FORMATION OF COOPERATIVES AND FREE PUBLIC SERVICES. PRIVATE SCHOOLS WILL FUNCTION UNDER STATE CONTROL.

THE NEW PORTUGUESE CONSTITUTION FORESEES A TAKEOVER BY THE STATE OF MEANS OF PRODUCTION AND OF LAND AND NATURAL RESOURCES. AS FOR FOREIGN INVESTMENTS, THEY WILL BE ENCOURAGED AS LONG AS THEY CONTRIBUTE TO THE SOCIALISTIC DEVELOPMENT OF THE COUNTRY.

GH/RCS